

# CENTRAL REGION REVIEW



## U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ AUGUST 1999 ★

★ REGIONS VI & VII ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions  
for the States in Federal Regions VI and VII.*

### GENERAL INFORMATION

Emergency Planning and Community Right-to-Know Act (EPCRA) Reporting Violations. On 3 March 1999, U.S. EPA Region IX issued notices of violation (NOVs) to two Department of Defense (DoD) facilities for violations of EPCRA and Executive Order (EO) 12856. EPCRA and the EO compel federal agencies and facilities to comply with Right-to-Know laws and pollution prevention (P2) requirements. These two facilities were found to be in violation of EPCRA's chemical inventory reporting requirements. The facilities failed to conduct adequate internal reviews and audits, as required by the EO, even after being allowed 30 days to comply. U.S. EPA provided the bases' environmental staffs with compliance assistance to help resolve their deficiencies; however, the facilities failed to come into compliance. **DoD facilities should pay particular attention to the EPCRA regulations regarding chemicals that are subject to reporting, threshold amounts, and DoD specific requirements.** For additional information on EPCRA issues or NOVs, contact U.S. EPA's EPCRA Hotline at 1(800) 535-0202.

Cooperative Administrative Support Unit (CASU) Program. The CASU Program is a voluntary interagency cost reduction initiative established in 1986 by the President's Council on Management Improvement. The CASU Program seeks to provide participating government agencies with the best prices, on a fully reimbursable basis, for commonly used administrative and operations support services. The CASU Network meets customer agency needs by bundling requirements and consolidating administration, lowering unit costs by achieving economies of scale. The Network is national in scope and can deliver services to federal government offices anywhere in the country. In the wake of widespread funding cuts and constrained budgets currently so prevalent throughout DoD, participation in a CASU presents the opportunity for installations to lessen administrative costs without sacrificing quality. All DoD facilities are strongly encouraged to either join an existing CASU or, when one is not available, take steps to establish a new CASU. Additional information is available on the Internet at <http://www.casu.gov/> or you can contact the National CASU Program Office at (202) 219-1800.

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U.S. EPA Changes EPCRA Form R Revision Policy. DoD facilities that submit Form R Toxic Release Inventory (TRI) reports pursuant to Section 313 of EPCRA need to be aware that U.S. EPA has tightened its submission timetable for any revision of those submittals. By Federal Register policy statement notice on 26 April 1999 (64 FR 20198), and immediately effective on that date, facilities must submit any revisions within 30 days of the submittal deadline for that data to be included in that year's national TRI. Revisions later than 30 days will still be accepted, but will not be included in the national TRI. Thus in most years, Form R reports must be submitted by 1 July and any revised Form R reports by 31 July.

## ASSISTANCE/GUIDANCE INFORMATION

Resource Conservation and Recovery Act (RCRA) Cleanup Reforms. U.S. EPA has announced a set of administrative reforms to the RCRA corrective action program. The reforms are intended to make cleanups happen faster and more efficiently at RCRA facilities. The administrative reforms will address several impediments to efficient RCRA cleanups that have been identified by U.S. EPA, the states, and stakeholders, including an over-emphasis on process and the application of stringent and expensive RCRA treatment and management requirements. The reforms will refocus the RCRA corrective action program on environmental results. The initial focus of the reforms will be on 1,712 facilities that have the potential for environmental exposures or groundwater contamination and have been included on the RCRA cleanup baseline. The reforms include a set of ambitious annual cleanup targets (# of facilities achieving cleanup measures) that, by 2005, will result in 95 percent of the 1,712 facilities having current human exposures under control and 70 percent of the facilities have migration of contaminated groundwater under control. *Additional information on the RCRA Cleanup Reforms is available by calling the RCRA Hotline at (800) 424-9346 or (703) 412-9810, or by accessing U.S. EPA's Internet web site at <http://www.epa.gov/epaoswer/osw/cleanup.htm>. (Editor's Note: U.S. EPA's RCRA Cleanup Baseline includes Army facilities in Arkansas, Kansas, New Mexico, Oklahoma, and Texas.)*

U.S. Army Environmental Center (USAEC) Compliance Documents Now Online. The Compliance Branch of USAEC has established an area on the Defense Environment Network and Information eXchange (DENIX) where technical manuals and compliance-related documents will be posted. These documents will be available to all DoD DENIX users at <http://www.denix.osd.mil/denix/DOD/Library/AEC/aec.html>. Current documents include a Wellhead Protection Plan Model Statement of Work (template, user's guide, and a summary of State Wellhead Protection regulations), a Consumer Confidence Report Template, and Compliance Assessment Protocols for Wastewater and Drinking Water Systems. Future documents will include Cross-Connection/Backflow Prevention Model Statement of Work, Oil/Water Separator Guidance, Protocol for the Preparation of Installation Pretreatment Programs, Open Burn/Open Detonation Guidance Documents (Management Guide, Closure/Post-Closure Guidance, and Closure Cost Guidance), and Scrap (Range Residue) Inventory Best Management Practices. *Additional information is available from the technology transfer hotline at [t2hotline@aec.apgea.army.mil](mailto:t2hotline@aec.apgea.army.mil).*

U.S. Department of Transportation (DOT) Specification Packaging Transition Expires Soon. On 21 December 1990, the DOT, Research and Special Programs Administration (RSPA), published a final rule (Docket HM-181; 55 FR 52402) revising the Hazardous Material Regulations (HMR), with respect to hazard communication classification and packaging requirements based on the United Nations (UN) Recommendations on the Transport of Dangerous Goods. Transitional implementation of this rule required complete conversion to the UN performance packagings by 1 October 1996. On 26 September 1996, the DOT/RSPA published a final rule, Performance Oriented Packaging Standards; Final Transitional Provisions (Docket HM-181H; 61 FR 50615), incorporating into the HMR a number of changes for the manufacture, use and reuse of hazardous materials packagings. **One of the changes that RSPA added was a provision to authorize non-bulk packagings, other than cylinders, which were filled prior to 1 October 1996 in conformance with regulations in effect on 30 September 1996, to be offered for transportation and transported domestically until 1 October 1999.** RSPA believed that a three-year delay in compliance afforded sufficient time for these packagings to be eliminated from a distribution system. DoD installations that might have packagings falling into this category in their distribution or pre-positioned war reserve stocks should note that the 1 October 1999 deadline is only a few months away. Immediate review of stocks on hand should be made and priority given to issuing them as soon as possible. Failure to do this will result in inventory being frozen pending decanting into conforming packagings or a requirement to overpack in conforming packagings. Both are manpower and cost intensive. *For further information contact: RSPA, Office of Hazardous Materials Standards, (202) 366-8553; or Office of Hazardous Materials Technology, (202) 366-4545.*

U.S. EPA Guide for Industrial Waste Management. A new U.S. EPA draft guidance document, *U.S. EPA Guide for Industrial Waste Management*, seeks to build alliances among federal authorities, state regulators, and environmental groups to achieve better site and design plans for nonhazardous waste facilities, according to a U.S.

EPA official. The document's objective is to "develop a voluntary guidance tool that can be used by industry, state regulators, environmental groups, and members of the general public to assist them in industrial nonhazardous waste management issues." A component of the guide is a CD-ROM disk that contains two pieces of software. One simulates groundwater scenarios while the other provides air quality modeling. The software is intended to be an aid to finding solutions to waste management issues that affect air or water quality. The guide, which contains a reference section, is intended for use by people with varying degrees of expertise and experience, including facility managers, state and tribal environmental officials, environmental groups, and the general public interested in learning more about the regulatory process. The draft guidance document is available online at <http://www.epa.gov/industrialwaste/>.

## TRAINING INFORMATION

U.S. EPA Region VI -- Environmental Response Training Program (ERTP). U.S. EPA Region VI will be offering the following environmental response training courses in the coming months:

- |  |                     |                      |
|--|---------------------|----------------------|
| • Safety and Health Decision-Making for Managers | <b>10-12 August</b> | (Austin, TX)         |
| • Health and Safety 8-Hour Training              | <b>16-20 August</b> | (Dallas, TX)         |
| • Sampling for Hazardous Materials               | <b>17-19 August</b> | (N. Little Rock, AR) |
| • Introduction to Groundwater Investigations     | <b>14-16 Sept.</b>  | (Santa Fe, NM)       |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact: Keith Reddick; U.S. EPA Region VI; (214) 665-8338; fax (214) 665-7447; e-mail: [reddick.keith@epamail.epa.gov](mailto:reddick.keith@epamail.epa.gov).

U.S. EPA Region VII -- ERTPT. U.S. EPA Region VII will be offering the following environmental response training courses at the Kansas City Kansas Community College in Kansas City, Kansas, in the coming months:

- |  |                        |
|--|------------------------|
| • Radiation Safety at Superfund Sites            | <b>23-27 August</b>    |
| • Safety and Health Decision-Making for Managers | <b>14-16 September</b> |

ERTPT course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact: Evelyn VanGoethem; U.S. EPA Region VII; (913) 551-7659; fax (913) 551-7145. To register for a class contact: Training Registrar; (513) 251-7776; fax (513) 251-4137.

Tri-Service Spatial Data Standards (TSSDS) Implementation Workshop. The TSSDS Implementation Workshop will be held **24-27 August 1999** at the Tri-Service CADD/Geographic Information System (GIS) Technology Center, Information Technology Laboratory, Waterways Experiment Station in Vicksburg, Mississippi. The workshop will provide training in the implementation of the TSSDS using commercially available GIS (ESRI ArcView and Intergraph GeoMedia) and relational database software. The course outline is available on the World Wide Web at <http://tsc.wes.army.mil/tssds/training/outlinefinal.htm>. Registration is also available online at <http://tsc.wes.army.mil/headlines/classes/classes.asp>. For further information contact: Bobby Carpenter; Tri-Service CADD/GIS Technology Center; (601) 634-4572; fax (601) 634-4584; e-mail: [carpenb@wes.army.mil](mailto:carpenb@wes.army.mil).

Hazardous Substance Management System (HSMS) Orientation Training. HSMS orientation training, referred to as HSMS "101" is open to all Army personnel who wish to learn more about the Hazardous Material Management Program (HMMP) and HSMS. The last class of the year is scheduled for **10-12 August 1999** at Detroit Arsenal. The course provides an overview of the HSMS software and discussion of how it fits into the HMMP. Topics to be covered include: the business practices associated with hazardous material control, HSMS design features and hardware requirements, and case studies of installations implementing a HAZMART and HSMS. The course is targeted for individuals planning for HAZMART and HSMS operation and will provide the greatest benefit to decision-makers from Logistics, Environmental, Information Management, Public Works, Safety, Hazardous Waste, and Industrial Hygiene from both the major Army command and installation level. The orientation training will also include a half-day tour of an operational HAZMART Center. The course is not intended to be users training for the HSMS software. For more information or to register for the training, contact the CAO at 1(888) 800-7242, or e-mail at [HSMS@saic.hqisec.army.mil](mailto:HSMS@saic.hqisec.army.mil).

U.S. EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Training. U.S. EPA's CERCLA Education Center (CEC) will offer a course on Transportation and Disposal on **14-15**

**September** in Kansas City, Kansas. CEC course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. For further information contact: U.S. EPA; Technology Innovation Office, CEC; (703) 603-9910; fax (301) 589-8487.

## CONFERENCES and SEMINARS

### AUGUST 1999

1999 U.S. Army Reserve (USAR) Facilities Engineering Workshop. The 1999 USAR Facilities Engineering Workshop will be held **9-13 August 1999** at the Westin Crown Center Hotel in Kansas City, Missouri. The theme of this year's conference is "Building Pride." This training workshop will provide an opportunity to enhance the capabilities of the workforce. Within six major agenda categories, workshop participants will be given the opportunity to discuss, to problem solve, and to make recommendations to the office of the Chief, Army Reserve (OCAR), and other regional commands on how they can be assisted in meeting goals. Through this sharing and cross-fertilization of successes, ideas, and actions, the USAR will be better equipped to move forward with its engineering and environmental goals. Registration is available on the Internet at <http://www.pjadvisors.com/>. For further information contact: Kathleen Strickland; PJAdvisors, Inc.; (770) 977-7991; fax (770) 977-9024; e-mail: [strickland@pjadvisors.com](mailto:strickland@pjadvisors.com).

U.S. EPA Region VII – 1999 Federal Facilities Environmental Conference. U.S. EPA Region VII will host its 1999 Federal Facilities Environmental Conference, "Achieving Environmental Excellence in the New Millennium," on **24-25 August 1999** at the Kansas City Marriott Downtown Hotel in Kansas City, Missouri. The goal of the conference is to provide federal facilities with information about the latest environmental regulations and perspectives and recognize emerging issues and innovative approaches. Attendance is recommended for all federal agency and facility administrators, environmental managers, environmental compliance officers, and other state, tribal and local personnel who deal with environmental issues. A conference registration form is available online at <http://www.epa.gov/region07/newsinfo/fedfac.htm>. For additional information, contact the Region VII Federal Facilities Conference Information Line at (703) 645-6945.

Abiotic In-Situ Technologies for Groundwater Remediation. The U.S. EPA is sponsoring a groundwater remediation conference **31 August-2 September 1999** in Dallas, Texas. The conference is being held to disseminate information on a number of abiotic in-situ groundwater remediation approaches that are emerging as alternatives for treating sites that historically have been difficult to treat. The conference will include sessions on thermal technologies, electrokinetics, chemical oxidation, reactive zone treatment, volatile organic compound (VOC) stripping, and flushing technologies. There is no cost to attend, but space is limited. Agenda and registration information is available on the World Wide Web at <http://www.epa.gov/ttnrmrl/abiotic.htm>, or by calling (412) 741-5462.

### SEPTEMBER 1999

10<sup>th</sup> Anniversary Annual International Workshop on Solvent Substitutions and Eliminating Toxic Substance and Emissions. The Aerospace Industries Association and Exchange Monitor Publications and Forums are co-sponsoring a solvent substitution workshop on **13-16 September 1999** at the Radisson Scottsdale Conference Center in Scottsdale, Arizona. The theme of this year's conference is "A Critical Assessment of Current Alternatives...Looking Ahead to Environmental Actions of the Millennium." Mr. Gary Vest, Principal Assistant Deputy Under Secretary of Defense (Environmental Security) will be the keynote speaker. For additional information contact: Conference Management Associates, Inc.; (703) 754-0066; fax (703) 754-4261.

1999 National Recycling Congress and Exposition. The 1999 National Recycling Congress and Exposition will be held **27-29 September 1999** in Cincinnati, Ohio. The "Federal Track" of the 1999 conference will represent a cross-section of all federal agencies. Each agency will have the opportunity to share success stories and lessons learned with representatives from the other agencies. Last year, for example, representatives of civilian and military facilities provided presentations on affirmative procurement, recycling programs, using federal purchasing to create markets for recovered materials, recycling of electronics and other non-traditional materials, the new Greening the Government Executive Order, and America Recycles Day. For further information contact: Dana Arnold, Executive Steering Committee; (202) 260-1297; fax (202) 401-9503; e-mail: [arnold.dana@epamail.epa.gov](mailto:arnold.dana@epamail.epa.gov).

Army Pest Management Quality Assurance Evaluator (PMQAE)/Installation Pest Management Coordinator (IPMC) Workshop. The Army Medical Department Center and School (AMEDD C&S) and USAEC collaborated to



offer a workshop to meet new Army and DoD training requirements for PMQAEs and IPMCs. A second workshop will be offered **27 September–1 October 1999** at USAEC facilities, Aberdeen Proving Ground, Maryland. The classroom curriculum for this workshop incorporates recommendations from initial workshop participants and promises to meet training needs of Army PMQAE and IPMC personnel even more effectively than before. The number of slots for this workshop is limited and major Army commands have been allocated attendance quotas. *Candidate workshop attendees should contact the AMEDD C&S staff for assistance at (210) 221-6801/7682/8261; DSN 471-6801/7682/8261.*

1999 Kansas Environmental Conference. The 1999 **Kansas** environmental conference, "Kansas Environment: Future Directions," will be held **29-30 September 1999** at the Wichita Marriott Hotel in Wichita, Kansas. The format this year will include 20 different 50-minute sessions and 8 two-hour seminars. The keynote address will be provided by Dr. Peter Bishop, a "futurist" from the University of Houston. Following Dr. Bishop will be a series of concurrent sessions including topics regarding water issues (TDML, water quality standards, new regulations, wetlands), P2 case studies (businesses with successful P2 programs), financial resources, voluntary programs for communities, harnessing solar and wind power, and a wide variety of other topics. Seminar topics include environmental ethics, "Air Quality 101," "Hazardous Waste 101," and new technologies for the next century. The 1999 P2 Awards will be presented at a luncheon on 29 September. *For further information contact: Janet Neff; KDHE, Planning and Prevention Section; 1(800) 357-6087.*

#### NOVEMBER 1999

U.S. EPA Innovative Clean-Up Approaches Conference. The U.S. EPA Office of Research and Development (ORD) and Technology Innovation Office (TIO) are jointly sponsoring the Innovative Clean-Up Approaches Conference on **2-4 November 1999** at the Indian Lakes Resort in Bloomingdale, Illinois (Chicago Metropolitan Area). The conference theme is "Investments in Technology Development, Results and Outlook for the Future." Through a number of legislative programs and special initiatives, U.S. EPA has invested in the development and implementation of characterization and treatment technologies for hazardous waste site remediation. The Agency has also sponsored and promoted the development, demonstration and commercialization of technologies, both directly and with a number of partners in other federal agencies, academia, and the private sector. The conference will provide an opportunity for stakeholders and partners to share the most recent information about the status of these efforts, evaluate success of past efforts, and discuss future research and information needs. Additional conference information, including the conference program and online registration, is available on U.S. EPA's home page at <http://www.epa.gov/ttbnrmrl/>.

The Missouri River Voyage of Recovery Conference. American Rivers will sponsor a two-day conference on held **8-9 November 1999** in Saint Charles, Missouri (near Saint Louis), to link communities preparing for the Lewis and Clark bicentennial with national experts on riverfront revitalization, wildlife habitat restoration, and historic preservation. The conference will also highlight restoration and riverfront revitalization efforts near Saint Louis and in other riverside communities, introduce a new Lewis and Clark curriculum to area educators, and create national awareness of local and regional efforts to repair the Missouri River. Highlights of the conference will include comments by Lewis and Clark Historian Stephen Ambrose on the opportunity created by the bicentennial, and the premiere of a Missouri River documentary by the History Channel. Full registration materials for the conference will be available in mid-August. If you would like to receive a registration packet, please e-mail your name, address, and phone number to Kelly Miller at [kmiller@amrivers.org](mailto:kmiller@amrivers.org). Conference information is also available on the World Wide Web at <http://www.americanrivers.org/missouri-conf.html>. *For further information contact: American Rivers; (202) 347-7550; fax (202) 347-9240.*

1999 Theis Conference. The 1999 Theis Conference, "Remediation of Subsurface Contaminants: The Meaning and Measures of Success," will be presented **12-15 November 1999** at Amelia Island, Florida. The conference is sponsored by the National Ground Water Association (NGWA)/Association of Ground Water Scientists and Engineers (AGWSE). The Theis conference series was established by the AGWSE in 1993 as an important effort in the promotion of hydrogeology. The 1999 conference program will include presentations by invited speakers and interactive discussion sessions surrounding three major themes:

- *Defining and Rationalizing Goals for Success*—The role of science in identifying reasonably attainable goals in the broader discussion of cost versus benefit.
- *Measuring Success*—Approaches and methods of assessing success in the application of subsurface remediation technologies and realistic prognosis for predicting performance.
- *Communicating Success*—An exploration of the ways the results of research and "real-site" technology applications are communicated to the scientific community, industry, and the public.

Conference information is available on the Internet at <http://www.ngwa.org/education/theis.html>. For further information contact: NGWA; (614) 898-7791; toll free (800) 551-7379; fax (614) 898-7786; e-mail: [ngwa@ngwa.org](mailto:ngwa@ngwa.org).

**1999 DoD Maintenance Symposium.** The 1999 DoD Maintenance Symposium and Exhibition will be held **15-18 November 1999** at the Regal Riverfront Hotel in St. Louis, Missouri. The theme for this year's symposium, which is co-sponsored by the National Defense Industrial Association (NDIA), is "Transforming Maintenance with Technology." This third annual conference is the single opportunity for the entire DoD maintenance community to come together to share information and focus on weapons system and equipment maintenance. Maintenance managers, both military and civilian, from all ranks and Services will be in attendance. They represent the full range of DoD's maintenance operations, including depots, operating commands and units, and research and development activities, along with their commercial industry counterparts. Senior Defense officials and congressional representatives will also attend and participate in the conference. In addition, the DoD Maintenance Awards will be presented to outstanding maintenance units at a special awards banquet held during the symposium. For more information contact: Angie De Kleine; NDIA; fax (703) 522-1885; e-mail: [adekleine@ndia.org](mailto:adekleine@ndia.org).

**1999 National Pollution Prevention Roundtable (NPPR) Annual Fall Workgroup Conference.** The NPPR's fourth annual Fall Workgroup Conference will take place **17-19 November 1999** at the La Fonda Hotel in Santa Fe, New Mexico. The workgroup conference offers NPPR members the opportunity to formulate strategies and address P2 challenges within intimate and interactive sessions, including three plenary sessions and ample breakout time. The Thursday morning plenary will focus on where the P2 movement is headed, and as in years past, the conference will conclude with an information sharing from workgroups on their activities and from the NPPR Board outlining its plans for the coming year. The NPPR is the largest membership association in the United States dedicated solely to the reduction of pollutants at the source. For further information contact: NPPR; (202) 466-3908.

## DECEMBER 1999

**4<sup>th</sup> Annual Joint Services P2/Hazardous Waste Management (HWM) Conference & Exhibition.** The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. This year's event, which is being expanded to include HWM, will provide an open forum for exchanging ideas, success stories, case histories and technologies. The conference will cross federal, academia and industry boundary lines—opening channels for a combined effort to implement the essential P2/HWM objectives. The Joint Services Conference will be hosted by the Headquarters Air Force Center for Environmental Excellence, Brooks Air Force Base, Texas. Information on the conference is available on the Internet at <http://www.ndia.org/events/brochure/040/040.htm>.

## FEDERAL REGULATORY ACTIONS

### U.S. ENVIRONMENTAL PROTECTION AGENCY

**U.S. EPA Direct Final Rule; Proposed Rule: Hazardous Air Pollutants (HAPs): Regulations Governing Constructed or Reconstructed Major Sources (64 FR 35029/35110).** U.S. EPA published a rule in the Federal Register on 27 December 1996 implementing certain provisions in Section 112(g) of the Clean Air Act (CAA). After the effective date of that rule, all owners or operators of major sources of HAPs that are constructed or reconstructed are required to install maximum achievable control technology (MACT) (unless specifically exempted), provided they are located in a state with an approved Title V permit program. When no applicable federal emission limitation has been promulgated, the CAA requires the permitting authority (generally a state or local agency responsible for the program) to determine a MACT emission limitation on a case-by-case basis. If the permitting authority has not yet established procedures for requiring MACT by the required date, the rule provides that the U.S. EPA Regional Administrator will determine MACT emission limitations on a case-by-case basis for a period of up to one year. This action amends the rule by providing a longer time period (up to 30 months) during which the U.S. EPA Regional Administrator may determine MACT emission limitations. This action is needed in order to ensure that major sources can obtain MACT determinations required for construction or reconstruction in those jurisdictions where permitting authorities require extra time to establish procedures to implement the Section 112(g) rule. This final rule amendment was effective 30 July 1999. For further information contact: Kathy Kaufman; U.S. EPA, Information Transfer and Program Integration Division (ITPID); (919) 541-0102.

**U.S. EPA Direct Final Rule; Proposed Rule: National Emission Standards for Hazardous Air Pollutants (NESHAPs): Halogenated Solvent Cleaning (64 FR 37683/37734).** U.S. EPA is amending the NESHAP for halogenated solvent cleaning by permanently exempting nonmajor (or "area") batch cold solvent cleaning machines

that use halogenated solvent from the federal operating permit program and deferring federal operating permit requirements until 9 December 1999 for all other nonmajor halogenated solvent cleaning machines. With this amendment, these sources will be treated by the federal operating permits program in the same way U.S. EPA allows them to be treated by state operating permit programs adopted under Title V of the CAA. State programs area already allowed to exempt/defer such sources from their requirements for Title V operating permits. Without this amendment, sources located in areas that do not have state Title V permit programs could be subject to more burdensome requirements than may apply to sources located elsewhere. This rule takes effect on 13 September 1999 without further notice, unless U.S. EPA receives adverse comment by 12 August 1999. *For further information contact: Candace Carraway; U.S. EPA, Office of Air Quality Planning and Standards; (919) 541-3189.*

U.S. EPA Final Rule: Technical and Procedural Amendments to Toxic Substances Control Act (TSCA) Regulations—Disposal of Polychlorinated Biphenyls (PCBs) (64 FR 33755). U.S. EPA published a document in the 29 June 1998 Federal Register amending the regulations affecting disposal of PCBs. U.S. EPA has identified several technical errors in that document. This rule corrects those errors. In addition, this rule establishes procedures for requesting an approval for risk-based sampling, cleanup, storage, or disposal of PCB remediation waste, and for risk-based decontamination or sampling of decontaminated material, where those activities occur in more than one U.S. EPA region. This rule was effective 24 June 1999. *For further information contact: Christine Augustiniak, Acting Director; U.S. EPA, Environmental Assistance Division, Office of Pollution Prevention and Toxics; (202) 554-1404; TDD (202) 544-0551; e-mail: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).*

U.S. EPA Final Rule: Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps (64 FR 36466). U.S. EPA's final rule adds hazardous waste lamps to the federal list of universal wastes regulated under RCRA. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. U.S. EPA has concluded that regulating spent hazardous waste lamps as a universal waste under 40 CFR Part 273 will lead to better management of these lamps and will facilitate compliance with hazardous waste requirements. This final rule, which streamlines the Subtitle C management requirements for hazardous waste lamps, also supports energy conservation efforts. This final rule is effective 6 January 2000. *For further information contact: Marilyn Goode; U.S. EPA, Office of Solid Waste; (703) 308-8800; e-mail: [goode.marilyn@epamail.epa.gov](mailto:goode.marilyn@epamail.epa.gov).*

U.S. EPA Proposed Rule: Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators (HMIWI) Constructed On or Before 20 June 1996 (64 FR 36425). On 15 September 1997, U.S. EPA adopted emission guidelines for existing HMIWIs. Sections 111 and 129 of the CAA require states with existing HMIWIs subject to the emission guidelines to submit plans to U.S. EPA that implement and enforce the emission guidelines. If a state with existing HMIWIs does not submit an approvable plan within two years after promulgation of the emission guidelines (15 September 1999), the CAA requires U.S. EPA to develop, implement, and enforce a federal plan for HMIWIs in that state. In this action, U.S. EPA proposes a federal plan to implement emission guidelines for HMIWIs located in states without effective state plans. This federal plan will most likely be an interim action for many states, because when a state plan becomes effective, the federal plan will no longer apply to HMIWIs covered by such plan. Comments on this proposal may be submitted on or before 7 September 1999. U.S. EPA will hold public hearings, if requested. The date and location of the public hearing(s) may be obtained by calling (919) 541-5420 or by e-mailing to [banker.lalit@epa.gov](mailto:banker.lalit@epa.gov) after 5 August 1999. *For further information contact: Lalit Banker; U.S. EPA, ITPID; (919) 541-5420.*

#### U.S. FISH AND WILDLIFE SERVICE (USFWS)

USFWS Final Rule: Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Plant *Echinocereus lloydii* (Lloyd's Hedgehog Cactus) from the Federal List of Endangered and Threatened Plants (64 FR 33796). The USFWS is removing the plant *Echinocereus lloydii* (Lloyd's hedgehog cactus) from the Federal List of Endangered and Threatened Species. The cactus was listed as endangered on 26 October 1979, as a result of threats presented by collection and highway projects. Recent evidence indicates that Lloyd's hedgehog cactus is not a distinct species but rather a hybrid or cross which is not evolving independently of its parental species. Therefore, Lloyd's hedgehog cactus no longer qualifies for federal protection under the Endangered Species Act (ESA). Lloyd's hedgehog cactus is known from counties in **New Mexico** and **Texas**. This rule was effective 26 July 1999. *For further information contact: Kathryn Kennedy, botanist; USFWS; (512) 490-0057; fax (512) 490-0974.*

USFWS Final Rule: Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Rio Grande Silvery Minnow (64 FR 36274). The USFWS is designating critical habitat for the Rio Grande silvery minnow (*Hybognathus amarus*), a species federally listed as endangered under the authority of the

ESA. This species presently occurs only in the Rio Grande from Cochiti Dam downstream to the headwaters of Elephant Butte Reservoir, **New Mexico**, approximately five percent of its known historical range. Critical habitat overlays this last remaining portion of occupied range. It encompasses 262 kilometers (163 miles) of the mainstem Rio Grande from the downstream side of the State Highway 22 bridge crossing the Rio Grande immediately downstream of Cochiti Dam, to the crossing of the Atchison Topeka and Santa Fe Railroad near San Marcial, New Mexico. This rule becomes effective 5 August 1999. *For further information contact: Field Supervisor; USFWS, New Mexico Ecological Services Field Office; (505) 346-2525; fax (505) 346-2542.*

USFWS Proposed Rule: Endangered and Threatened Wildlife and Plants; Proposed Rule to Remove the Bald Eagle in the Lower 48 States from the List of Endangered and Threatened Wildlife (64 FR 36453). The USFWS is proposing to remove the bald eagle (*Haliaeetus leucocephalus*) from the List of Endangered and Threatened Wildlife in the lower 48 states of the United States. U.S. EPA proposes this action because the available data indicate that this species has recovered. The recovery is due in part to habitat protection and management actions initiated under the ESA. It is also due to reduction in levels of persistent organochlorine pesticides such as DDT occurring in the environment. Section 4(g) of the ESA requires the USFWS to monitor recovered species for at least five years following delisting. This rule describes the USFWS's proposed post-delisting monitoring plan. Removal of the bald eagle under the ESA will not affect the protection provided under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and many other state laws. Comments on the proposed delisting must be received by 5 October 1999. *For further information contact: Jody Gustitus Millar, Bald Eagle Recovery Coordinator; USFWS; (309) 793-5800, Ext. 524.*

## KEY ENVIRONMENTAL COMPLIANCE DATES

1 Aug	Deadline for owners and operators of facilities subject to new source performance standards (NSPS) under 40 CFR Part 60, Subpart Eb, that are located within a small or large municipal waste combustor plant and that meet the criteria specified under 40 CFR 60.59b(h) to file a semiannual report.	CAA: 40 CFR 60.59b(h)(6)(i)	60 FR 65436; 12/19/95
14 Aug	Deadline for producers and importers of Class I controlled substances to submit a report to U.S. EPA containing the information described under 40 CFR 82.13(f)(3)(i)-(xiii) or (g)(3)(i)-(xiii), respectively, for the second quarter of the 1999 control period.	CAA: 40 CFR 82.13(c), 82.13(f)(3)(i)-(xiii), and 82.13(g)(3)(i)-(xiii)	57 FR 33784; 7/30/92 as amended by 58 FR 65072; 12/10/93 and 60 FR 25000; 5/10/95
14 Aug	Deadline for producers, importers, and exporters of a Class II controlled substance to submit a report to U.S. EPA providing information on the production, imports, and exports of such chemicals during the previous quarter.	CAA: 40 CFR 82.13(n)	57 FR 33785; 7/30/92 as amended by 58 FR 65074; 12/10/93 and 60 FR 25002; 5/10/95

## REGION VI STATE ACTIVITY

### ARKANSAS

### *Legislative/Regulatory Activity*

STATE LEGISLATIVE ACTIVITY (Session ended May 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Arkansas Department of Environmental Quality (ADEQ) and its various programs, including access to draft and final regulations, is available on the Department's web site at <http://www.adeq.state.ar.us/>.)



## FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Air Quality State Implementation Plans (SIPs); Louisiana; Approval of Clean Fuel Fleet Substitution Program (64 FR 38577/38616). U.S. EPA is approving Louisiana's SIP revision because it adequately demonstrates that the Louisiana Clean Fuel Fleet (CFF) substitute program achieves equivalent or better long term reductions in emissions of ozone producing and toxic air pollutants that the federal CFF program. A detailed rationale for the approval is set forth in an accompanying Technical Support Document. This rule is effective 17 September 1999 without further notice, unless U.S. EPA receives adverse comment by 18 August 1999. If such comment is received, a timely withdrawal will be published in the Federal Register. *For further information contact: Paul Scoggins; U.S. EPA Region VI, Air Planning Section; (214) 665-7354; e-mail: [scoggins.paul@epa.gov](mailto:scoggins.paul@epa.gov).*

U.S. EPA Final Rule: Approval and Promulgation of Air Quality Implementation Plans; Louisiana: Reasonable-Further-Progress Plan for the 1996-1999 Period, Attainment Demonstration, Contingency Plan, Motor Vehicle Emission Budgets, and 1990 Emission Inventory for the Baton Rouge Ozone Nonattainment Area; Louisiana Point Source Banking Regulations (64 FR 35930). U.S. EPA is finalizing its approval of revisions to the Louisiana SIP for the **Baton Rouge** ozone nonattainment area. These revisions were submitted by the state of Louisiana for the purpose of satisfying the Post-1996 Rate-of-Progress (ROP), Attainment Demonstration, and Contingency Plan requirements of the federal CAA, which will aid in ensuring the attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. U.S. EPA is also approving the associated 1999 Motor Vehicle Emissions budgets for the area; taking final action to approve additional SIP revisions that were made to the 1990 base year emission inventory and submitted as part of the Baton Rouge 15% Rate-of Progress Plan; approving additional revisions to the 1990 base year emissions inventory submitted as part of the Post-1996 ROP Plan; and approving the state's point source banking regulations. This action is effective 2 August 1999. *For further information contact: Jeanne Schulze; U.S. EPA Region VI, Air Planning Section; (214) 665-7254.*

## STATE LEGISLATIVE ACTIVITY (Session ended 21 June 1999.)

## STATE PROPOSED RULES

Pollutant Discharge Elimination System (25 LAR 1163-5). Proposed rule of the LDEQ, Water Pollution Control Division, would amend regulations under 33 LAC IX.2301, .2531, and .2533 regarding the state pollutant discharge elimination system (LPDES). The proposal would clarify and update incorporations by reference of federal regulations under 40 CFR 136 and 40 CFR 401, 402, and 404 through 471, revised 1 July 1998. *For further information contact: Patsy Deaville; LDEQ, Investigations and Regulation Development Division (IRDD); (225) 765-0399. (Regional Counsel Comment: The purpose of this rule is to clarify what edition of the federal regulations to consult when 33 LAC IX.23 references the federal regulations. No fiscal or economic impacts will result from the proposed rule.)*

## STATE NOTICES

Hazardous Wastes/Permit Applications (25 LAR 1157-8). Notice of the LDEQ, Hazardous Waste Division, announces a correction to a proposed rule (25 LAR 919; 05/20/99) that would amend regulations under 33 LAC V.517, .519, .1109, .3001, and .4301 regarding permit applications, generators, boilers and industrial furnaces, and interim status for hazardous wastes and materials. The proposal would require a professional engineer who certifies specific technical data to be registered in the state. The proposal also would correct an omission of lamps and antifreeze from the list of universal wastes in provisions pertaining to the interim status of hazardous wastes. In addition, the proposal would delete "conditionally exempt" where applied to small quantity generators. The notice republishes 33 LAC V.517 regarding information requirements of the formal permit application to correct typographical errors. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399. (Regional Counsel Comment: This rule clarifies which LDEQ regulations apply to commercial hazardous waste incinerators.)*

State Implementation Plan (SIP) (25 LAR 1190). Notice of the LDEQ, Air Quality Division, announces proposed revisions to the SIP affecting 33 LAC III, Chapters 5, 6, 11, 15, 21, 23, and 25. *For further information contact: Patricia Vidrine; LDEQ, Air Quality Division; (225) 765-0917.*

(NOTE: Current regulatory information from the LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us>. Click on "Rules and Regulations" and "Additions to the Louisiana Register.")

## NEW MEXICO

## Legislative/Regulatory Activity

### FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: Transportation Conformity Rule (64 FR 36786/36830). U.S. EPA is approving a revision to the New Mexico SIP that contains the transportation conformity rule for **Albuquerque/Bernalillo County**. The conformity rules assure that in air quality nonattainment or maintenance areas, projected emissions from transportation plans and projects stay within the motor vehicle emissions ceiling in the SIP. The transportation conformity SIP revision enables the Albuquerque/Bernalillo County Air Quality Control Board to implement and enforce the federal transportation conformity requirements in the Albuquerque/Bernalillo County area level. U.S. EPA's approval action streamlines the conformity process and allows direct consultation among agencies at the local levels. This final rule is effective 7 September 1999 without further notice, unless U.S. EPA receives adverse comment by 9 August 1999. If adverse comment is received, a timely withdrawal will be published in the Federal Register. *For further information contact: Mr. J. Behnam, P.E.; U.S. EPA Region VI, Air Planning Section; (214) 665-7247.*

### STATE LEGISLATIVE ACTIVITY (Session ended 20 March 1999.)

#### STATE FINAL RULES

Voluntary Remediation (10 NMR 409-15). Final rule of the New Mexico Environment Department (NMED) adopts regulations under a new Part 20 NMAC 6.3 to establish procedures for voluntary remediation of contaminated properties. The rule was effective 30 June 1999. *For further information contact: Stacey Sabol; NMED, Ground Water Quality Bureau; (505) 827-2754. (Regional Counsel Comment: The regulations were needed to give effect to the Voluntary Remediation Act, which passed in 1997. No economic impacts are anticipated to result from this final rule.)*

Radiation Protection (10 NMR 415-30). Final rule of the New Mexico Environmental Improvement Board (NMEIB) amends regulations under 20 NMAC 3.1 regarding radiation protection. The rule complies with federal provisions and addresses decommissioning; recordkeeping and license termination; self-guarantee as an additional financial assurance mechanism; and the preparation, transfer for commercial distribution, and use of byproduct material for medical use. The rule also clarifies specific requirements, revises provisions governing licensees that manufacture and distribute radiopharmaceuticals, and complies with international standards. The rule was effective 30 June 1999. *For further information contact: Bill Floyd; NMED, Hazardous and Radioactive Material Bureau; (505) 827-4308.*

(NOTE: General information regarding the NMED and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/frhome.html>.)

## OKLAHOMA

## Legislative/Regulatory Activity

### STATE LEGISLATIVE ACTIVITY (Session ended 28 May 1999.)

#### STATE FINAL RULES

Tire Recycling Fee Exemption (16 OKR 2678-9). Final rule of the Oklahoma Tax Commission (OTC) amends regulations under OAC 710:95-5-12 to clarify the exceptional or unusual situations and procedures whereby persons may have waste tires collected, either because they have been issued a tire recycling fee exemption certificate by the Oklahoma Department of Environmental Quality (ODEQ) or because the transaction falls under a specific statutory exclusion. The rule also addresses the means of making certain voluntary payment to the waste tire indemnity fund. The rule was effective 25 June 1999. *For further information contact: Carolyn Thomson; OTC; (405) 521-3133.*

Appropriation and Use of Stream Water (16 OKR 2682-86). Final rule of the Oklahoma Water Resources Board (OWRB) amends regulations under OAC 785:20-1-2, -3-9, and -5-5 governing the appropriation and use of stream water. The rule revises the definition of "domestic use" to include agriculture use on the lands where the primary residence is located and fire protection in amounts of five acre-feet per year or less. The rule also establishes procedures to inactivate applications where applicants have not pursued action for a specified period. In addition, the rule addresses procedures for appropriation of water from a reservoir, lake, or pond. The rule was effective 1 July 1999. *For further information contact: Mike Mathis; OWRB, Planning and Management Division (PMD); (405) 530-8800.*

Development on Property within Flood Plains (16 OKR 2710-12). Final rule of the OWRB amends regulations under OAC 785:55-1-4 regarding development on state-owned or state-operated property within flood plains. The rule specifies that permits will be valid for one year from the date of issue, provides that extensions of time can be requested, and adds a provision on permit amendments. The rule is effective 1 July 1999. *For further information contact: Mike Mathis; OWRB, PMD; (405) 530-8800.*

Petroleum Storage Tanks (16 OKR 2823-31). Final rule of the Oklahoma Corporation Commission (OCC) amends regulations under OAC 165:25-9-25, adopts regulations under new Sections OAC 165:25-9-26 through -28 and new Appendix O, and revokes regulations under OAC 165:25-9, Appendix N to change the title of the chapter from "Underground Storage Tanks" to "Petroleum Storage Tanks." The rule also addresses field citation provisions, distinguishes between warning citations and fine citations, describes the reinspection process, and provides for the issuance of a fine citation if corrective measures have not been taken by the date required in the initial citation. In addition, the rule describes the field citation process and provides a new list of possible field citations. The rule was effective 15 July 1999. *For further information contact: Andrea Johnson; OCC; (405) 522-0482.*

Taking and Use of Ground Water (16 OKR 3227-34). Final rule of the OWRB amends regulations under OAC 785:30-1-2, -3-1, -3-3, -3-5, -7-2, and -7-5 and adopts regulations under a new Appendix B to OAC 785:30 governing the taking and use of ground water. The rule revises the definition of domestic use to include agriculture use on the lands where the primary residence is located and fire protection in amounts of five acre-feet per year or less. The rule also clarifies how the board addresses waste by pollution when reviewing applications for new permits or amendments and establishes procedures to inactivate applications where applicants have not pursued action for a specified period. The rule was effective 12 July 1999. *For further information contact: Mike Mathis; OWRB, PMD; (405) 580-8800.*

Taking and Use of Stream Water (16 OKR 3235-6). Final rule of the OWRB adopts regulations under a new Section OAC 785:30-3-5.1 governing the taking and use of stream water. The rule specifies that the phrase "nonprofit organizations" as it pertains to the three-mile setback requirement includes governmental entities (federal, state, and local) as well as other traditional nonprofit organizations, such as established churches. The rule also clarifies the boundaries for determining the three-mile ground water permit prohibition area. The rule was effective 12 July 1999. *For further information contact: Mike Mathis; OWRB, PMD; (405) 530-8800.*

Definitions (16 OKR 3236-40). Final rule of the OWRB amends water quality regulations under OAC 785:45-1-2 to update and add definitions. The rule includes definitions for "acute test failure," "drastic," "large streams," "nutrient-limited watershed," and "small and medium size streams." The rule was effective 12 July 1999. *For further information contact: Derek Smithee; OWRB, Water Quality Programs Division (WQPD); (405) 530-8800.*

Mixing Zones/Surface and Ground Waters (16 OKR 3240-50). Final rule of the OWRB amends water quality regulations under OAC 785:45-5-12, -5-25, -5-26, and -7-3 and revokes and readopts OAC 785:45, Appendices A through E, to add standards for acute regulatory mixing zones and revise the definition of "mixing zone" to affect only chronic regulatory mixing zones. The rule also revises designated beneficial uses for surface waters and ground water and modifies requirements for development of site-specific criteria for metals. The rule was effective 12 July 1999. *For further information contact: Derek Smithee; OWRB, WQPD; (405) 530-8800.*

Definitions (16 OKR 3251-3). Final rule of the OWRB amends regulations under OAC 785:46-1-2 to define licensed managed feeding operation, nutrient-limited watershed impairment study, and trophic state index. The rule was effective 12 July 1999. *For further information contact: Derek Smithee; OWRB, WQPD; (405) 530-8800.*

Implementation of State Water Quality Standards (16 OKR 3253-64). Final rule of the OWRB amends regulations under OAC 785:46-3-2 through -13-5 (nonconsecutive) and revokes and readopts regulations under OAC 785:46, Appendix A, to address nutrient-limited watersheds and provide for implementation of acute criteria.

The rule was effective 12 July 1999. *For further information contact: Derek Smithee; OWRB, WQPD; (405) 530-8800.*

## STATE PROPOSED RULES

Water Discharge Permits (16 OKR 2041-2). Proposed rule of the ODEQ would amend regulations under OAC 252:605 pertaining to state pollution discharge elimination system (OPDES) permits. The proposal would simplify and clarify language, including removing redundant rules, removing statutory language, and incorporating certain federal regulations by reference. The first hearing was scheduled for 20 July 1999 in Midwest City, and a second hearing will be held 28 September 1999 in Braman. *For further information contact: Shellie Maxwell; ODEQ, Water Quality Division (WQD); (405) 702-8116.*

Water Pollution Control Facilities (16 OKR 2042). Proposed rule of the ODEQ would repeal regulations under OAC 252:655 concerning water pollution control construction standards. The provisions would be replaced by a new chapter under OAC 252:656 proposed concurrently. The first hearing was scheduled for 20 July 1999 in Midwest City, and a second hearing will be held 28 September 1999 in Braman. *For further information contact: Shellie Maxwell; ODEQ, WQD; (405) 702-8116.*

Water Pollution Control Facilities (16 OKR 2042-3). Proposed rule of the ODEQ would adopt regulations under a new Chapter OAC 252:656 to set forth provisions governing water pollution control facility construction standards. The proposal would simplify and clarify requirements, remove unenforceable language, and add new requirements. The first hearing was scheduled for 20 July 1999 in Midwest City, and a second hearing will be held 28 September 1999 in Braman. *For further information contact: Shellie Maxwell; ODEQ, WQD; (405) 702-8116.*

*(NOTE: General information regarding the ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us>.)*

## TEXAS

## Legislative/Regulatory Activity

### FEDERAL ACTIONS

U.S. EPA Final Rule; Notice of Administrative Change: Approval and Promulgation of Air Quality Implementation Plans; Texas; Revised Format for Materials Being Incorporated by Reference (64 FR 36586). U.S. EPA is revising the format of 40 Code of Federal Regulations (CFR) Part 52 for materials submitted by Texas that are incorporated by reference (IBR) into the SIPs. The regulations affected by this format change have all been previously submitted by the respective state agency and approved by U.S. EPA. This format revision will primarily affect the "Identification of plan" of 40 CFR 52.2270, as well as the format of the SIP materials that will be available for inspection. The sections of 40 CFR 52.2270 pertaining to provisions promulgated by U.S. EPA or state-submitted materials not subject to IBR review and 40 CFR 52.2271 through 52.2309 remain unchanged. This action was effective 7 July 1999. *For further information contact: Paul Scoggins; U.S. EPA Region VI, Air Planning Section; (214) 665-7354.*

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plan for Texas: Transportation Conformity Rule (64 FR 36790/36831). U.S. EPA is approving a revision to the Texas SIP that contains the transportation conformity rule. The conformity rules assure that in air quality nonattainment or maintenance areas, projected emissions from transportation plans and projects stay within the motor vehicle emissions ceiling in the SIP. The transportation conformity SIP revision enables the state to implement and enforce the federal transportation conformity requirements at the state level. U.S. EPA's approval action streamlines the conformity process and allows direct consultation among agencies at the local levels. This rule is effective 7 September 1999 without further notice, unless U.S. EPA receives adverse comment by 9 August 1999. If adverse comment is received, a timely withdrawal will be published in the Federal Register. *For further information contact: Mr. J. Behnam, P.E.; U.S. EPA Region VI, Air Planning Section; (214) 665-7247.*

### STATE LEGISLATIVE ACTIVITY (Session ended 31 May 1999.)



## STATE FINAL RULES

Low-Level Radioactive Waste Fees (24 TXR 4833). Final rule of the Low-Level Radioactive Waste Disposal Authority (LLRWDA) amends regulations under 31 TAC 450.1 through .4 to update the planning and implementation fees for low-level radioactive waste generators for state fiscal year 1999. The rule provides for the assessment of the fees, specifies the entities that must pay, and provides for the collection and deposit of fees in the state treasury. The rule also specifies a payment date of 1 July 1999, which corrects an error in the proposed rule. The rule was effective 29 June 1999. *For further information contact: Lee Matthews; LLRWDA; (512) 451-5292.*

Enforcement (24 TXR 5017-20). Final rule of the TNRCC amends regulations under 30 TAC 70.2 through .106 (nonconsecutive) regarding enforcement. The rule revises definitions and clarifies language regarding permits, licenses, registrations, and certificates. The rule also revises provisions governing force majeure, financial inability to pay, installment payment of administrative penalty, agreed orders, notice of decisions and orders, mandatory enforcement hearings, the executive director's preliminary report and other pleadings, answer, and default order. The rule was effective 7 July 1999. *For further information contact: Brian Christian; TNRCC, Policy Research Division; (512) 239-1760. (Regional Counsel Comment: The TNRCC is required to review each of its rules every four years. The TNRCC adopted several changes to the chapter to streamline the procedural rules and make them more consistent with the Texas Administrative Procedures Act, the Texas Water Code, and the Texas Rules of Civil Procedure.)*

## STATE NOTICES

State Water Quality Management Plan (24 TXR 4912-3). Notice of the TNRCC announces the availability of the draft May 1999 update to the state water quality management plan. The plan requires areawide water quality management planning in areas having significant water quality problems that can be addressed only on an areawide basis, pursuant to Section 308 of the federal Clean Water Act. The plan covers designated areas as managed by regional planning agencies and the nondesignated area governed by the commission. The update includes projected effluent limits of indicated domestic dischargers useful for water quality management planning in future permit actions. The update will be submitted to U.S. EPA for approval. *For further information contact: Suzanne Vargas; TNRCC, Water Quality Division; (512) 239-4619.*

(NOTE: Current TNRCC regulatory information, including proposals, adoptions, and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us>.)

## REGION VII STATE ACTIVITY

### IOWA

### State Legislative/Regulatory Activity

## FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Withdrawal: Approval and Promulgation of Implementation Plans and Approval Under Section 112(l); State of Iowa (64 FR 35941). Because U.S. EPA received adverse comments, it is withdrawing the direct final rule for the approval of revisions to the Iowa SIP. U.S. EPA published the direct final rule on 13 May 1999 (64 FR 25825). This approval pertained to a set of state rules recently submitted by the Iowa Department of Natural Resources (IDNR). U.S. EPA will summarize and respond to the comments received and take final rulemaking action in a subsequent final rule, but will not institute a second comment period. The direct final rule published at 64 FR 25825 is withdrawn as of 2 July 1999. *For further information contact: Wayne Kaiser; U.S. EPA Region VII; (913) 551-7603.*

STATE LEGISLATIVE ACTIVITY (Session ended 30 April 1999.)

## STATE FINAL RULES

Emissions Standards/NESHAPs (21 IAAB 3022-31). Final rule of the Iowa Department of Natural Resources (IDNR), Environmental Protection Commission (EPC), amends regulations under 567 IAC 20, 21, 22, 23, and 25 regarding emission standards for contaminants and measurement of emissions. The rule adds and revises definitions, revises certain forms and application procedures, clarifies rules of practice, excludes certain

requirements from variances, and updates facility standards and procedures. The rule also clarifies certain exemptions; corrects permit names; updates references to NESHAPs, NSPSs, and sulfur dioxide attainment; revises and clarifies Title V operating permit requirements; and removes certain eligibility deadlines. In addition, the rule establishes a default emission standard for exhaust gas, references alternative visible emissions limit procedures for certain NSPS facilities, establishes a maximum sulfur content for fuel oil and natural gas that may be combusted, specifies report deadlines, and makes editorial corrections. The rule was effective 21 July 1999. *For further information contact: Scott Vander Hart; IDNR, Air Quality Bureau; (515) 281-8852.*

Solid Waste Composting Facilities (21 IAAB 3031-5). Final rule of the IDNR, EPC, repeals and readopts regulations under 567 IAC 105 regarding yard waste disposal and solid waste composting facilities. The rule updates and clarifies existing provisions, establishes organic materials composting facility standards, provides more flexible design standards, and sets forth composting best management practices. The rule was effective 21 July 1999. *For further information contact: Jeff Geerts; IDNR, Waste Management Assistance Division; (515) 281-8623.*

(NOTE: General information regarding the IDNR and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.)

## KANSAS

### Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended 10 April 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Kansas Department of Health and Environment (KDHE) and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us>.)

## MISSOURI

### Legislative/Regulatory Activity

#### FEDERAL ACTIONS

U.S. EPA Final Rule; Notice of Administrative Change: Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Missouri (64 FR 34717). U.S. EPA is revising the format of 40 CFR Part 52 for materials submitted by the state of Missouri that are incorporated by reference into its SIP. The regulations affected by this format change have all been previously submitted by the state agency and approved by U.S. EPA. This action was effective 29 June 1999. *For further information contact: Edward West, Regional SIP Coordinator; U.S. EPA Region VII; (913) 551-7330.*

STATE LEGISLATIVE ACTIVITY (Session ended 14 May 1999.)

#### STATE FINAL RULES

Petroleum Storage, Loading, and Transfer (24 MOR 1687-92). Final rule of the Missouri Department of Natural Resources (MDNR), Air Conservation Commission (ACC), amends regulations under 10 MCSR 10-5.220 regarding the restriction of VOC emissions in the handling of petroleum to reflect agreements made with industry in the Stage II program and the performance evaluation test procedures and to meet federally mandated reduction of hydrocarbon emission in the **St. Louis metropolitan area**. The rule clarifies language for consistency, incorporates new requirements for Stage II vapor recovery and tank truck tightness testing, and adds language for initial fueling of vehicles at automobile assembly plants. The rule extends and clarifies testing deadlines and permitting procedures for the Stage II permit program and specifies that federal requirements limit the flow rate of gasoline dispensing. In addition, the rule changes the test method for tank truck tightness certification. The rule was effective 31 July 1999. *For further information contact: Roger Randolph; MDNR, Air Pollution Control Program (APCP); (573) 751-4817.*

#### STATE PROPOSED RULES

Endangered Species (24 MOR 1475). Proposed rule of the Missouri Department of Conservation (MDC) amends 3 MCSR 10-4.111(3)(E) to add the Snuffbox mussel to the state's endangered species list. *For further information contact: John W. Smith; MDC, Administrative Office; (573) 751-4115, Ext. 217.*

Motor Vehicle Emissions Inspection (24 MOR 1513-20). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-5.380 regarding motor vehicle emissions inspection in the **St. Louis metropolitan area** (includes the **City of St. Louis** and **St. Louis, St. Charles, and Jefferson Counties**). The proposal would define the Clean Screen Program, specify two-speed idle test standards, and set the emissions inspection fee. The proposal also would make editorial corrections. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817. (Editor's Note: This regulation does include various exemptions, including tactical military vehicles.)*

Emission and Service Fees (24 MOR 1520-33). Proposed rule of the MDNR, ACC, would amend regulations under 10 MCSR 10-6.110 to establish emission and service fees for air contaminant sources for calendar year 1999 and update forms. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817. (Regional Counsel Comment: These fees are required under the MDNR's Title V stationary source air pollution control program. These fees help pay for the administration (salaries, etc.) of the program. The MDNR, like all delegated state programs, annually adjusts, on a tons per year basis, the amount of the fee. The increase in the amount of the fee is insignificant.)*

(NOTE: General information regarding the MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.)

## NEBRASKA

## Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended 2 June 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Nebraska Department of Environmental Quality (NDEQ) and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us>.)

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*The Central Region Review is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Ms. Marsha Brustad, CREO Environmental Specialist, at (816) 983-3444 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO regulatory updates are available on the Internet at <http://aec.army.mil> under "Regional Offices."*



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